

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FILED
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DEC 13-2 11:56

UNITED STATES OF AMERICA

Petitioner,

MBD 05MBD10252

V.

BORIS J. ZARTHAR,

Respondent

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RESPONSE TO ORDER TO SHOW CAUSE

Now comes the Respondent, BORIS J ZARTHAR and files this written response as ordered:

1. At all times indicated in the past ten years by the summons from the Internal Revenue Service the respondent has always acted as an individual;
2. Respondent specifically denies that he has ever acted a corporation, partnership or and other kind of business association;
3. The Internal Revenue Service is trying to prove that during the time period mentioned in the summons that the Respondent failed to file tax returns with the Internal Revenue Service.
4. Failure to file a tax return with the Internal Revenue Service when required is a criminal offense against the laws of the United States.
5. Failure to file a return may be punished up to two years imprisonment for a willful failure to file.

6. The Internal Revenue Service is asking the Respondent to provide information that may incriminate him and subject him to theses criminal penalties.
7. The Respondent did appear in response to the summons issued by the Internal Revenue Service and there and then asserted his Constitutional right against self-incrimination and provided the IRS with a letter from his attorney asserting the right on his behalf.
8. The Internal Revenue Service, almost a year latter is unable to offer proof of any allegation of wrongdoing without the protected records of the Respondent.
9. The Internal Revenue Service still denies the Respondent his Constitutional right to avoid self-incrimination by seeking to enforce this summons.

WHEREFORE the respondent prays this honorable court that the Order to Show Cause be dismissed and further that he be awarded costs and reasonable attorney fees.

Boris J. Zarthar,

By his attorney

 8/1/05
Edward L. Hoban

BBO235980

PO Box 364

Westwood, MA 02090-0364

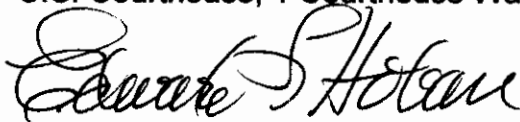
781-769-3044

Certificate of Service

I certify that this date I have sent a copy of this response, prepaid first class mail

to Patricia M. Connolly, Assistant United States Attorney. John Joseph Moakley

U.S. Courthouse, 1 Courthouse Way, Suite 9200, Boston, MA 02210, 8/1/05


Edward L. Hoban

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